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Alexis Lozano, Brian Williams,
Jeremy Bean, Romeo Aranas,
James Dzurenda, Charles Daniels,
Harold Wickham, Calvin Johnson,
Jay Barth, Dale Roberson, and
Pamela Del Porto*

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15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 SKYLER JAMES FOWLER,

18 Plaintiff,

19 v.

20 STEVE SISOLAK, *et al.*,

21 Defendants.

Case No. 2:19-cv-01418-APG-DJA

22
23 **DEFENDANTS' MOTION TO
EXTEND THE TIME TO REPLY TO
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION
(ECF NO. 101)
(FIRST REQUEST)**

24 Defendants Michael Minev, Monique Hubbard-Pickett, Arturo Buen, Bob
25 Faulkner, Gregory Bryam, Terence Lou Agustin, George-Pele Taino, Louisa Sanders,
26 Julio Calderin, Alexis Lozano, Brian Williams, Jeremy Bean, Romeo Aranas, James
27 Dzurenda, Charles Daniels, Harold Wickham, Calvin Johnson, Jay Barth, Dale Roberson,
28 and Pamela Del Porto, by and through counsel, Aaron D. Ford, Nevada Attorney
General, and Katlyn M. Brady, Senior Deputy Attorney General, of the State of Nevada,

1 Office of the Attorney General, request this Court extend the time to respond from
2 February 25, 2021, to March 9, 2021.

3 **I. INTRODUCTION**

4 Defendants respectfully request an extension of 10 days to respond to Plaintiff
5 Skyler Fowler (Fowler)'s motion seeking the reopening of High Desert State Prisons
6 (HDSP) chapel. Good cause exists based upon counsel's workload, the ongoing COVID
7 pandemic, and the ongoing evidentiary hearing in this matter.

8 **II. BACKGROUND**

9 Fowler is an inmate currently incarcerated at HDSP. Based upon this Court's
10 order, the parties have engaged in two meet and confer conferences to discuss Fowler's
11 pending motion for a preliminary injunction related to medical care, HDSP's yard time,
12 and alleged sanitation issues. The parties had a meet and confer conference on
13 February 22, 2021, where they reached an agreement regarding the need for pre-hearing
14 discovery, extended the discovery period to 75 days, and discussed other matters relating
15 to this case. As counsel believed the opposition would be completed, counsel did not
16 request an extension at that time.

17 Following the hearing, counsel began work on Defendants' opposition to Fowler's
18 motion to reopen the chapel. However, this work was interrupted by the deadline for an
19 opposition to an emergency injunction¹ and work on a dispositive motion in another
20 matter.² Counsel is additionally working on a second dispositive motion due next week.³

21 In addition to counsel's unusually heavy workload, counsel is also tasked with
22 supervising deputy attorney generals, reviewing their drafts, and observing court
23 appearances. Yesterday, counsel was required to observe a settlement conference to assist
24 a new attorney in the office.⁴ Finally, counsel received a request for assistance from the
25 Habeas Division in obtaining necessary documents from the NDOC.

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27 ¹ 2:19-cv-00611-JAD-EJY.
28 ² 2:19-cv-00191-APG-DJA.
³ 2:18-cv-01078-JCM-EJY.
⁴ 3:18-cv-00431-MMD-WGC

1 Despite these interruptions, counsel continued to diligently work on this matter.
 2 However, at approximately 11:00 p.m. on February 24, 2021, counsel determined she
 3 would be unable to complete the necessary revisions and obtain the necessary
 4 declarations for this opposition. As a result, counsel immediately emailed HDSP to
 5 request a meet and confer conference with Fowler.

6 Counsel was informed this morning that the telephone system was completely
 7 booked and that she could not speak to Fowler. In response, counsel emailed Fowler's
 8 caseworker, and she requested that the caseworker ask Fowler if he would oppose an
 9 extension of time. To date, counsel has not received a response.

10 **III. LEGAL ARGUMENT**

11 A court may extend the deadline to respond to a motion when the moving party
 12 demonstrates good cause. Federal Rules of Civil Procedure 6(b)(1)(A). Here, good cause
 13 exists based upon counsel's caseload and the ongoing evidentiary issues.

14 Counsel has been diligently working on this matter, including drafting the joint
 15 status report, obtaining necessary representation requests, and beginning preparation
 16 for the upcoming discovery period. In addition to working on this case, counsel over
 17 70 cases, all in various stages of litigation. Further, as a supervising attorney, counsel
 18 has been required to supervise a court hearing and conduct numerous peer reviews for
 19 other attorneys.

20 Fowler will not be prejudiced by this short extension.⁵ The parties recently agreed
 21 to open discovery into issues regarding Fowler's previous motion for a preliminary
 22 injunction. Granting a short extension to oppose this injunction will not affect any other
 23 deadlines.

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28 ⁵ This short extension will allow counsel to work over this weekend to complete the
 opposition and declarations.

1 **IV. CONCLUSION**

2 Defendants respectfully request this Court extend the deadline to respond to
3 Fowler's motion for a preliminary injunction from February 25, 2021, to March 9, 2021.

4 DATED this 25th day of February, 2021

5 AARON D. FORD
6 Attorney General

7 By: /s/ Katlyn M. Brady
8 KATLYN M. BRADY (Bar No. 14173)
9 Deputy Attorney General

10 *Attorneys for Defendants*

11 IT IS SO ORDERED:

12 Dated: February 26, 2021

13 
14 ANDREW P. GORDON
15 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on February 25, 2021, I electronically filed the foregoing **DEFENDANTS' MOTION TO EXTEND THE TIME TO REPLY TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION (ECF NO. 101) (FIRST REQUEST)** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

Skyler Fowler, #1172934
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070
Email: HDSP_LawLibrary@doc.nv.gov
Plaintiff, Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General